

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

AUG 12 2021

Matthew J. [Signature]
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIMO JOHN LITTLE BIRD, SR.,

Defendant.

1:20-CR-10012-CBK

ORDER GRANTING CONTINUANCE

Defendant filed a second unopposed motion to continue trial, suppression motion, voluntariness motion, and all related pretrial deadlines, Doc. 24, and defendant's informed consent, Doc. 25. The motion states that the government, by and through AUSA Jay P. Miller, has no objections to the continuance. The defendant personally joins in the motion.

The Court finds that the ends of justice are served by continuing this trial which ends outweigh the best interests of the public and the defendant in a speedy trial. Despite the exercise of due diligence, defense counsel needs additional time to properly investigate this matter and prepare for trial. The government has also indicated that the investigation is ongoing on a potential new charge. In addition, defense counsel needs additional time to locate witnesses and complete the investigation. Based on the record herein,

IT IS ORDERED:

(1) The second unopposed motion to continue trial, suppression motion, voluntariness motion, and all related pretrial deadlines, Doc. 24, is granted.

(2) All motions, other than motions in limine and motions for continuance, shall be filed and served on or before October 5, 2021. Opposing counsel shall respond thereto on or before October 12, 2021. All such motions shall be heard by the Magistrate Judge at such time as set after consultation with counsel.

(3) All motions for continuance will be considered by the Court when the defendant has filed a written consent to the continuance and the opposing party has filed a response.

(4) All motions in limine shall be filed at least ten (10) working days before trial.

(5) Counsel shall submit directly to the Court, the Clerk of Courts and to opposing counsel by no later than 4:00 p.m. on the business day before trial a list of all witnesses and proposed exhibits with a copy of each exhibit showing the number of each exhibit as marked. Requests for subpoenas shall be filed no later than fourteen (14) working days before trial. If jury selection takes place with the jury to return at a later date, the deadline shall be 4:00 p.m. on the business day before jury selection.

(6) October 29, 2021, is hereby set as the deadline for submission to the Court and filing of any proposed plea agreements and the factual basis statement and motions to enter oral pleas.

(7) The jury trial is continued to Tuesday, November 16, 2021, at 10:30 a.m. in the Federal Courtroom of the U.S. Courthouse, 102 Fourth Avenue SE, Aberdeen, South Dakota.

(8) All proposed jury instructions shall be submitted to the Court not later than ten working days before trial. A copy of each proposed instruction showing source and authority notes shall be furnished to the Court and other counsel. The Court has assembled basic instructions used in all criminal cases defining duties of jurors, burden of proof, basic definitions and other matters. Therefore, the parties should only submit those instructions which are related to the specific matters in issue in this case.

(9) The period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense must commence.

18 U.S.C. § 3161(h)(7)(A).

DATED this 12th day of August, 2021.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge